

REMARKS

The Office Action dated September 17, 2008 ("Office Action") required restriction to one of the following inventions:

Group I, claim(s) 1-38, drawn to Process of Making a Nonwoven; and

Group II, claim(s) 39-51, drawn to Nonwoven Fabric.

In response to this requirement, **Applicants elect examination of Group II, claims 39-51, with traverse.** By the present response, Claims 39 and 40 have been amended to expressly recite all the limitations of claims 1 and 8, respectively, and to delete the reference to claims 1 and 8, respectively. No new matter has been added. Examination on the merits is requested.

Notwithstanding the above election, Applicants respectfully request that the restriction requirement be reconsidered. The Office Action states that Groups I and II above do not relate to a single general inventive concept under PCT Rule 13. However, there are certain combinations of claims that are expressly permitted by PCT Rule 13. As explained in MPEP § 1850, "[t]he method for determining unity of invention under PCT Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application: (A) In addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product," wherein "a process is specially adapted for the manufacture of a product if it inherently results in the product."

In the present application, claims 39 and 40 are directed to a nonwoven produced by the process recited in claims 1 and 8, respectively. Therefore, because claims 1 and 8 include the same limitations as claims 39 and 40, respectively, the process of claims 1 and 8 will inherently result in the product of claims 39 and 40, respectively. As such, the processes recited in Group I are "specially adapted for the manufacture" of the products recited in Group II. This combination of claims is expressly permitted under PCT Rule 13. *See* MPEP § 1850. Therefore, Applicants respectfully request that the restriction requirement be withdrawn, and all of the pending claims be examined on the merits.

Applicants note that the present application previously contained two claims identified as claim 50. To correct this error, Applicants have renumbered the second claim 50 as claim 51 and have renumbered claim 51 as claim 52.

CONCLUSION

In view of the foregoing, Applicants respectfully request that the Examiner consider the claims as amended for examination on the merits. A timely allowance of the pending claims is requested.


If there are any fees due in connection with the filing of this Response and Amendment, please charge any necessary fees or credit any overpayments to Deposit Account No. 50-1349.

The Examiner is invited to contact Applicants' undersigned attorneys by telephone to discuss any matters if the Examiner feels such discussions may expedite the progress of the present application toward allowance.

Respectfully submitted,

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